

ORIGINAL

PATRICK K. WIGGINS, P.A.
ATTORNEY AT LAW

RECEIVED-PPSC

AUG -1 AM 9:58

July 29, 2005

Ms. Blanca Bayo, Director
Division Of The Commission Clerk &
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee Florida 32 399-0850

COMMISSION
CLERK

Re: Docket No. 050160 -TP - Petition by MetroPCS California/Florida, Inc. for Interconnection Arbitration Against BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

- PROPOSAL FOR HEARING ON THE PLEADINGS

Dear Ms. Bayo:

MetroPCS California/Florida, Inc. (MetroPCS) would like to propose an approach to handling this arbitration without oral testimony in this docket. I have discussed this approach with Mr. Robert Culpepper, Counsel for BellSouth, and am authorized to represent that BellSouth does not object to the alternative approach outlined below.

I. Issues To Be Determined

Four issues have been identified in this docket. They are as follows:

Issue 1: What impact, if any, should BellSouth's credit rating have on determining if a deposit should be required from MetroPCS?

Issue 2: Should MetroPCS be permitted to set off undisputed charges owed by BellSouth that are over ninety (90) days past due against amounts that MetroPCS owes BellSouth?

Issue 3: What is the appropriate rate for BellSouth to charge MetroPCS for transiting traffic from MetroPCS to third party carriers, including CLECs and other ILECs and CMRS carriers?

Issue 4: When BellSouth requests MetroPCS to reconfigure its interconnection arrangement in order to relieve congestion at a BellSouth tandem, should BellSouth be required to haul MetroPCS' traffic to one or more new switching points free of charge?

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC 1
- OTH _____

II. Proposed Approach

We propose that Issue 3 be determined in Consolidated Docket No. 050119-TP, while issues 1, 2, and 4 be determined in the instant docket on the pleadings without oral testimony. Also, there should be little, if any, discovery required in this docket. This approach would spare everyone unnecessary adjudication costs.

POST OFFICE DRAWER 1657 • TALLAHASSEE, FLORIDA • 32301
PHONE: 850-222-1358 • FAX: 850-222-1359

DOCUMENT NUMBER-DA
37356 AUG-11
PPSC-COMMISSION CLE

July 29, 2005

A. ISSUE 3: TRANSIT RATE ISSUE

Issue 3 (the "transit rate issue") is substantively identical to an issue being determined between BellSouth and several other parties in Consolidated Docket No.050119-TP. MetroPCS will intervene in that proceeding for the purpose of having the transit rate issue determined as between it and BellSouth. We therefore propose that in the instant docket determination of Issue 3 be held in abeyance until such time as the transit issue is determined between MetroPCS and BellSouth in Consolidated Docket No.050119-TP.

The purpose of the abatement is to promote administrative efficiency, not to foreclose administrative remedies to either MetroPCS or BellSouth. Therefore, until the transit issue between MetroPCS and BellSouth is *res judicata*, either party may move in this docket to terminate the abatement or seek in this docket and elsewhere other such relief to which they may be entitled.

B. ISSUES 1, 2, & 4: NON-RATE ISSUES

The remaining non-rate issues are mixed issues of fact, law and policy well suited to being determined by a hearing on the pleadings without the taking of oral evidence. Moreover, it appears that little if any discovery will be required in the instant docket. Thus all that is needed is a streamlined process for putting before the Commission evidence in written form and argument based on record evidence, policy and law. Nevertheless, this process would be a hearing pursuant to Sections 120.569 and 120.57, Florida Statutes and Chapter 28-106, Florida Administrative Code.¹

C. PROPOSED SCHEDULE

The proposed approach for a hearing on the pleadings is reflected in the suggested schedule attached as an appendix. The proposed dates are intended to be compatible with the Commission's calendar and staff workload. Irrespective of the dates set by the pre-hearing officer, we specifically request that the intervals for filing the briefs and reply briefs be honored.

III Relief Requested

In the interest of administrative efficiency and for the reasons given above, MetroPCS requests that the pre-hearing officer incorporate the above approach in her Order on Prehearing Procedure.

Sincerely,



Patrick K. Wiggins
Local regulatory counsel
for MetroPCS

Attachment

Cc: Kira Scott
Robert Culpepper
Charles V. Gerkin, Jr.

¹ This hearing would *not* be a summary hearing pursuant to Section 120.574, Florida Statutes.

APPENDIX

Proposed Schedule

DATE	EVENT	COMMENT
August 31, 2005	Discovery, if any, completed.	
September 12, 2005	Direct Testimony & Documentary Evidence filed on same day by MetroPCS & BellSouth	
October 3 2005	Rebuttal Testimony filed by MetroPCS & BellSouth on same day	30 days for briefs
October 31, 2005	Briefs filed by MetroPCS & BellSouth on same day	20 days for reply briefs
November 17, 2005	Staff Recommendation	17 days for staff recommendation
November 29, 2005	Agenda with Oral Argument (15 minutes per side unless extended by Commission)	22 days for hearing
December 1, 2005	Final Order	